Remarks

Claims 1-3 are pending in the subject application and currently stand rejected. Reconsideration and favorable consideration of the pending claims is respectfully requested in view of the following remarks.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sun *et al.* (U.S. 5,902,752) in view of Frenette *et al.* (U.S. 5,770,490). Applicant respectfully traverses because neither Sun nor Frenette, alone or in combination, teaches or suggests a method of making a monitoring pattern of a shallow trench isolation profile as specified in claim 1.

The Office Action, at page 2, states that Sun teaches "forming a first pattern on a substrate to monitor a depth of a first shallow trench isolation (figure 1A), and wherein the first pattern includes a plurality of nonequally spaced active regions (which are non equally spaced due to isolation regions) on the substrate, wherein active regions of the plurality of the active regions **11, 12, 13** are of the same size (figures 1A-1D)." However, Applicant asserts that figures 1A-1D of Sun disclose a conventional method of trench isolation, which is **not related** to **monitoring the depth** of the shallow trench isolation. In fact, the non-equal spacing due to isolation regions for a conventional process as described in Sun is a result of design layout for device fabrication. Furthermore, Sun teaches a method of **designing a mask** to achieve global planarization during shallow trench isolation, which is not a **monitoring pattern**.

Next, the Office Action, at pages 2-3, admits that Sun fails to teach forming a second pattern on the substrate to measure electrical effects associated with a depth and a profile of a second shallow trench isolation, but indicates that Frenette teaches such a pattern. However, Frenette teaches CMOS devices having gates, source/drain, and shallow trench isolation area. This is a typical CMOS device structure and is not used for measuring electrical effects associated with a depth and a profile of a second shallow trench isolation. Therefore, there is no teaching or suggestion to form a second pattern on the substrate to measure electrical effects associated with a depth and a profile of a second shallow trench isolation as specified in subject claim 1.

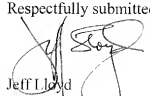
Because the cited references, alone or in combination, do not suggest the method of claim 1, they do not support an obviousness rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

In view of the foregoing remarks, Applicant believes that the claims as currently pending are in condition for allowance, and such action is respectfully requested.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,



Jeff L Lloyd
Patent Attorney
Registration No. 35,589
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

JL/abt/sjk